

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-238-S - ORDER NO. 2009-518
AUGUST 5, 2009

IN RE: Application of Jacabb Utilities, LLC for)	ORDER APPROVING
Approval of a Contract with The Cliffs at)	CONTRACT
Mountain Park, LLC to Service The Cliffs at)	
Mountain Park Development)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Jacabb Utilities, LLC ("Jacabb") for approval of a contract with The Cliffs at Mountain Park, LLC ("The Cliffs" or "Developer") to serve the Development by the same name ("the Development"). Jacabb and The Cliffs have entered into an agreement, dated March 3, 2009, whereby Jacabb will provide sewer service to the Development. This Commission's authority to approve such contracts is found in 26 S.C. Code Ann. Regs. 103-541 (Supp. 2008), which states in part that no utility shall execute or enter into any agreement or contract with any corporation that would impact, pertain to, or effect said utility's fitness, willingness, or ability to provide sewerage service, including but not limited to collection or treatment of said wastewater, without first submitting said contract in form to the Commission and the ORS and obtaining approval of the Commission.

Jacabb proposes to serve the Development, which will consist of approximately three hundred and eight (308) residential units, residential inn, offices, clubhouse, and

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other facilities and possibly other commercially or residentially developed land contiguous to the Site. The Agreement provides, *inter alia*, that The Cliffs will construct all the necessary sewer facilities required to serve the Development, acquire all necessary easements and rights of way, and convey the facilities and easements to Jacabb.

Pursuant to the Agreement, Jacabb has agreed to reserve adequate utility capacity for up to twenty-seven thousand (27,000) gallons per day (“gpd”) for Phase I of the Development and one hundred and twenty thousand (120,000) gpd for Phase II of wastewater flow from connections located within the property or contiguous properties to the Site. Further, the terms of this contract allow the Developer to expand the Facilities for additional units and Jacabb has agreed to allow the additional units to connect and discharge into the Facilities. The Applicant submits that approval of the contract is in the public interest and will serve the public convenience and necessity.

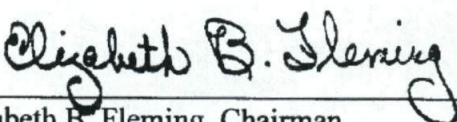
The Office of Regulatory Staff (ORS) advises that it has reviewed the Application and does not oppose its approval.

We find that public convenience and necessity will be served by approval of the contract between Jacabb Utilities, LLC and The Cliffs at Mountain Park, LLC. We therefore approve the application and the contract as filed.

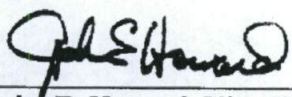
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This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)